

OFFICIAL

## MORRISON &amp; FOERSTER LLP

Attorneys at Law  
3811 Valley Centre Drive  
Suite 500  
San Diego, California 92130-2332  
Telephone: (858) 720-5100  
Facsimile: (858) 720-5125

RECEIVED  
CENTRAL FAX CENTER

APR 21 2004

To: U.S. Patent and Trademark Office

Facsimile: 703-872-9306

From: Gregory P. Einhorn, Ph.D. (Patent Agent)

Date: April 21, 2004

We are transmitting a total of 35 pages (including this page).  
Original or hard copy to follow if this box is checked

If you do not receive all pages, please call (858) 720-7972 as soon as possible.

Preparer of this slip has confirmed that facsimile number given is correct: 10550/JAR6

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

**Comments:**

ATTORNEY DOCKET: 564462001620  
GROUP ART UNIT: 1652  
EXAMINER: R. Hutson  
SERIAL NO.: 09/656,309  
FILING DATE: September 6, 2000  
INVENTOR(S): Walter CALLEN et al.  
TITLE: ENZYMES HAVING HIGH TEMPERATURE POLYMERASE ACTIVITY AND METHODS OF USE THEREOF

**Papers attached:**

1. Response and Amendment (22 pages)
2. Petition for Extension of Time (1 page)
3. Transmittal Form (1 page)
4. Fee Transmittal Form (1 page + 1 copy for processing)
5. Declaration Under 37 C.F.R. §1.132 ( 8 pages)

OFFICIAL

RECEIVED  
CENTRAL FAX CENTER

APR 21 2004

PTO/SB/21 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

34

Application Number	09/656,309
Filing Date	September 6, 2000
First Named Inventor	Walter CALLEN
Art Unit	1652
Examiner Name	R. Hutson
Attorney Docket Number	564462001620

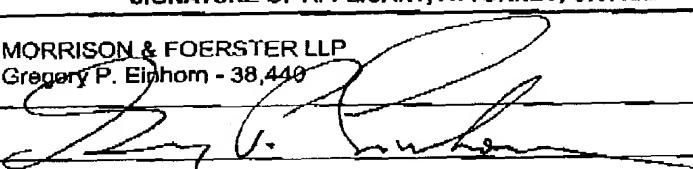
## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form + 1 for processing	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply - 22 pages	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request - 1 pg.	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Declaration Under 37 CFR 1.132 - 8 pages
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

Customer No. 25,225

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Gregory P. Elphom - 38,440
Signature	
Date	April 21, 2004

## Certificate of Transmission by Facsimile

I hereby certify that this correspondence is being transmitted by facsimile to the USPTO on the date indicated below.

9/21/04   
Date of Transmission SignatureJeannie Armour  
Typed Name of Signor

sd-195559

RECEIVED  
CENTRAL FAX CENTER  
APR 21 2004  
1603/035

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

## FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 475.00)

Complete If Known	
Application Number	09/656,309
Filing Date	September 6, 2000
First Named Inventor	Walter CALLEN
Examiner Name	R. Hutson
Art Unit	1652
Attorney Docket No.	564462001620

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None

 Deposit Account:Deposit Account Number **03-1952**Deposit Account Name **Morrison & Foerster LLP**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee in the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

## Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee
1002	340	2002	170	Design filing fee
1003	530	2003	265	Plant filing fee
1004	770	2004	385	Reissue filing fee
1005	180	2005	80	Provisional filing fee

SUBTOTAL (1) (\$ 0.00)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	<input type="text"/> x <input type="text"/> = <input type="text"/>	<input type="text"/>
Multiple Dependent	-3*** =	<input type="text"/> x <input type="text"/> = <input type="text"/>	<input type="text"/>
		<input type="text"/> = <input type="text"/>	<input type="text"/>

Large Entity	Small Entity	Fee Description	Fee Paid
1202	18	2202 9 Claims in excess of 20	<input type="text"/>
1201	88	2201 43 Independent claims in excess of 3	<input type="text"/>
1203	290	2203 145 Multiple dependent claim, if not paid	<input type="text"/>
1204	88	2204 43 -- Relocate independent claims over original patent	<input type="text"/>
1205	18	2205 9 -- Relocate claims in excess of 20 and over original patent	<input type="text"/>

SUBTOTAL (2) (\$ 0.00)

\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1051	130	2051 65 Surcharge - late filing fee or oath	<input type="text"/>
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	<input type="text"/>
1053	130	1053 130 Non-English specification	<input type="text"/>
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	<input type="text"/>
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	<input type="text"/>
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	<input type="text"/>
1251	110	2251 55 Extension for reply within first month	<input type="text"/>
1252	420	2252 210 Extension for reply within second month	<input type="text"/>
1253	950	2253 475 Extension for reply within third month	<input type="text"/>
1254	1,480	2254 740 Extension for reply within fourth month	<input type="text"/>
1255	2,010	2255 1,005 Extension for reply within fifth month	<input type="text"/>
1401	330	2401 165 Notice of Appeal	<input type="text"/>
1402	330	2402 165 Filing a brief in support of an appeal	<input type="text"/>
1403	290	2403 145 Request for oral hearing	<input type="text"/>
1451	1,510	1451 1,510 Petition to institute a public use proceeding	<input type="text"/>
1452	110	2452 55 Petition to revive - unavoidable	<input type="text"/>
1453	1,330	2453 865 Petition to revive - unintentional	<input type="text"/>
1501	1,330	2501 865 Utility issue fee (or reissue)	<input type="text"/>
1502	480	2502 240 Design issue fee	<input type="text"/>
1503	840	2503 320 Plant issue fee	<input type="text"/>
1480	130	1480 130 Petitions to the Commissioner	<input type="text"/>
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	<input type="text"/>
1808	180	1808 180 Submission of Information Disclosure Stmt	<input type="text"/>
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	<input type="text"/>
1809	770	2809 385 Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>
1810	770	2810 385 For each additional invention to be examined (37 CFR 1.129(b))	<input type="text"/>
1801	770	2801 385 Request for Continued Examination (RCE)	<input type="text"/>
1802	900	1802 900 Request for expedited examination of a design application	<input type="text"/>
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$ 475.00)	

(Complete if applicable)			
Name (Print/Type)	Gregory P. Einhorn	Registration No. (Attorney/Agent)	38,440
Signature		Telephone	(858) 720-5100
		Date	April 21, 2004

SD-19554



OFFICI

RECEIVED  
CENTRAL FAX CENTER  
04/21/2004 15:00:035

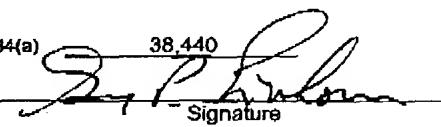
APR 21 2004

PTO/SB/22 (08-03)

Approved for use through 7/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket No. (Optional) 564462001620											
	In re Application of Walter CALLEN et al.												
	Application Number 09/656,309		Filed September 6, 2000										
	For: ENYMES HAVING HIGH TEMPERATURE POLYMERASE ACTIVITY AND METHODS OF USE THEREOF												
	Art Unit 1652	Examiner R. Hutson											
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and appropriate non-small-entity fee are as follows (check time period desired):</p> <table> <tr> <td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td> <td>\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td> <td>\$ 950.00</td> </tr> <tr> <td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td> <td>\$ _____</td> </tr> </table> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 475.00.</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 03-1952.</p> <p>I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.</p> <p>I am the <input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71.  Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).  <input type="checkbox"/> attorney or agent of record. Registration Number _____  <input checked="" type="checkbox"/> attorney or agent under 37 CFR 1.34(a).  Registration number if acting under 37 CFR 1.34(a) 38,440    Signature</p> <p>April 21, 2004  Date</p> <p>(858) 720-5100  Telephone Number</p> <p>Gregory P. Einhorn  Typed or printed name</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> Total of 1 forms are submitted.</p>				<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____	<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____	<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ 950.00	<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____												
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____												
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ 950.00												
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____												
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____												